



Attorney Docket No. 14419US01

DT  
#2 5-19-04  
IDS w/ Refers

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of: )  
 )  
Ronald L. Mahany )  
 )  
Serial No. 10/057,816 )  
 )  
Filed: January 24, 2002 )  
 )  
For: Remote Radio Data Communication )  
System With Data Rate Switching )  
 )  
Examiner: Not Yet Assigned )  
 )  
Group Art Unit: 2681 )  
 )

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**MAY 14 2004**

**Technology Center 2600**

**TRANSMITTAL OF INFORMATION DISCLOSURE  
STATEMENT AFTER APPLICATION FILING DATE**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed are the following:

- \* A completed PTO form 1449 (modified) which has one (1) page.
- \* A copy of each printed or patented reference listed in the enclosed form 1449 and not previously provided to or by the PTO in this application. Nine (9) references are enclosed.

**FEE DETERMINATION**

- \* No fee is believed to be due because:
  - \* The applicant(s) believe(s) that this statement and enclosures are being filed before the first Office action on the merits has been mailed by the PTO. The

basis of this belief is that no Office action on the merits appears to have been received by the undersigned to date.

### **FEE PAYMENT**

The following arrangements have been made to pay the fees calculated above:

\* No fee is believed to be due.

The Commissioner is hereby authorized to charge any additional fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

### **REQUEST FOR CONSIDERATION**

This submission is in no way intended as an admission that the cited references constitute prior art under any subsection of 35 U.S.C. § 102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

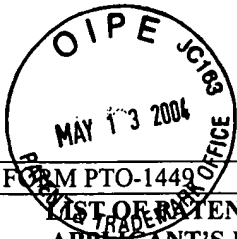
The Examiner is requested to initial both copies of the enclosed PTO-1449 (modified) and return one copy to the applicants to indicate consideration of the enclosed references.

Respectfully submitted,

Date: May 11, 2004

\_\_\_\_\_  
Ronald H. Spuhler  
Reg. No. 52,245

McAndrews, Held & Malloy  
500 West Madison Street, Suite 3400  
Chicago, Illinois 60661  
(312) 775-8000



FORM PTO-1449	SERIAL NO.: 10/057,816	CASE NO.: 1772/14419US01
<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>	FILING DATE: 01/24/02	GROUP ART UNIT: 2681
(use several sheets if necessary)	APPLICANTS: Mahany	

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A106	4,355,399				
	A107	4,756,007				
	A108	4,910,794				
	A109	4,930,140				
	A110	5,070,536				
	A111	5,425,051				
	A112	5,491,727				
	A113	5,862,171				
	A114	5,950,124				

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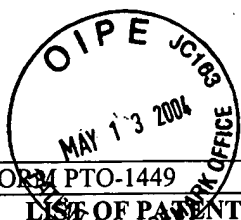
## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES NO

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	

EXAMINER:	DATE CONSIDERED:
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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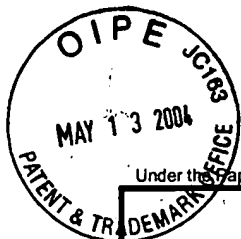
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2681

PTO/SB/21 (08-00)

Approved for use through 10/31/2002

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction act of 1995, no persona are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/057,816
	Filing Date	01/24/02
	First Named Inventor	Mahany
	Group Art Unit	2681
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	1772/14419US01

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (2 pages) <input checked="" type="checkbox"/> PTO 1449 (1 page) with copies of 9 cited U.S. patents <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) (        sheets) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input checked="" type="checkbox"/> Reply postcard
Remarks		<b>RECEIVED</b> <b>MAY 14 2004</b> <b>Technology Center 2600</b>

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name	Ronald H. Spuhler, Reg. No. 52,245 McAndrews Held & Malloy, Ltd.
Signature	<i>Ronald Spuhler</i>
Date	May 11, 2004

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 11, 2004			
Name (Print/type)	Ronald H. Spuhler	Registration No. (Attorney/Agent)	52,245
Signature	<i>Ronald Spuhler</i>	Date	05/11/04